

COUNTY OF SUFFOLK



STEVEN BELLONE
COUNTY EXECUTIVE

EDWARD WEBBER
POLICE COMMISSIONER

POLICE DEPARTMENT

November 4, 2013

Thomas A. Beilein, Chairman
State Commission of Correction
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, NY 12210-8001

Re: Daniel McDonnell (MRB #11-M-50)

Dear Mr. Beilein:

The Suffolk County Police Department is reviewing its internal investigation of the circumstances surrounding the May 6, 2011 death of Daniel McDonnell. Several findings referred to in the State Commission of Corrections June 18, 2013 final report on this matter are of particular interest to me. It would be most helpful if you could make the following documents referred to in that report available to me:

- Any medical reports indicating Mr. McDonnell's death was the result of compression asphyxia as stated in Finding #1 on page 2.
- A copy of the Affidavit of Detainee #1 (Shane Allen) referred to in Finding #45, on page 21.
- A copy of the Affidavit of Detainee #2 (Paul Pizzitola) referred to in Finding #46 on page 22.
- A copy of the deposition of the West Babylon Fire Department EMT referred to in Finding #48 on page 23.

Any assistance you can render on this matter will be greatly appreciated.

Sincerely,

Inspector Michael J. Caldarelli
Commanding Officer
Internal Affairs Bureau
Phone: 631-852-6255
Fax: 631-852-6259

MJC:dd

ACCREDITED LAW ENFORCEMENT AGENCY

Visit us online at: www.suffolkpd.org

Crime Stoppers Confidential Tip Hotline: 1-800-220-TIPS

Non-Emergencies Requiring Police Response - Dial: (631) 852-COPS

30 Yaphank Avenue, Yaphank, New York 11980 - (631) 852-6000



TRANSMISSION VERIFICATION REPORT

TIME : 11/04/2013 16:54
NAME : IAB
FAX : 6318526259
TEL : 6318526259
SER.# : 000H9J461648

DATE, TIME	11/04 16:54
FAX NO./NAME	915184852467
DURATION	00:00:17
PAGE(S)	01
RESULT	OK
MODE	STANDARD
	ECM



STATE OF NEW YORK • EXECUTIVE DEPARTMENT
STATE COMMISSION OF CORRECTION
Alfred E. Smith State Office Building
80 S. Swan Street, 12th Floor
Albany, New York 12210-8001
(518) 485-2346
FAX (518) 485-2467

CHAIRMAN
Thomas A. Beilein

COMMISSIONERS
Phyllis Harrison-Ross, M.D.
Thomas J. Loughren

December 31, 2013

VIA FACSIMILE

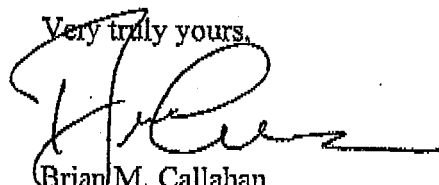
Inspector Michael J. Caldarelli
Commanding Officer
Internal Affairs Bureau
Suffolk County Police Department
30 Yaphank Avenue
Yaphank, New York 11980

Re: Death of Daniel McDonnell
MRB #11-M-50

Dear Inspector Caldarelli:

Pursuant to your letter dated November 4, 2013, transmitted herewith are all records in the Commission's file responsive to your request.

Very truly yours,



Brian M. Callahan
General Counsel

Enc.

RECEIVED

DEC 31 2013

I.A.B.

Caldarelli, Michael

From: McGowan, Kathy
Sent: Monday, January 20, 2014 3:14 PM
To: Caldarelli, Michael
Subject: Mental Health/Illness training

Inspector,

Reference In-Service Mental Health training:

Between 2008 and 2010, **383** personnel attended a three day Crisis Intervention Course presented at the SCPD academy

Between 2010 and 2011, **293** personnel attended a three day Crisis Intervention Course presented at the SCPD academy.

All Supervisors attending mandatory Supervision Training between 2008 and 2012 received 7 hrs. of Crisis Intervention training.

Topic included in 2 and 3 day program

Indicators of Emotional Disturbance
Communication and De-escalation
Dept. R&P's ;Mental Hygiene Law and Transportation issues
Information Gathering & Assessment of High Risk Intervention
Suicide and Response to Suicidal subjects
Juvenile Mental Illness/Autism/Alzheimer's Awareness
Community Interaction/Low Risk Intervention and Community Resources

Topics included in Supervision School

Indicators of Emotional Disturbance
Dept R&P's ;Mental Hygiene Law and Transportation issues
Suicide and Response to Suicidal subjects
Employee Assistance Bureau
Community Interaction/Low Risk Intervention and Community Resources

Also there is a hour one block on Psychiatric Emergency's included in the EMT refresher course.

I left a message for Bill Hiddink, but he is off today for the holiday.

Respectfully,

*Kathleen McGowan, PO 3842
Academy Training Section
Suffolk County Police Academy
631-853-7055*

Caldarelli, Michael

From: McGowan, Kathy
Sent: Monday, January 20, 2014 3:40 PM
To: Caldarelli, Michael
Subject: Mental Health TRaining

Lt Sweeney advised that the recruits get the same three day program that was originally presented to In-Service.

KM

*Kathleen McGowan, PO 3842
Academy Training Section
Suffolk County Police Academy
631-853-7055*



POLICE DEPARTMENT COUNTY OF SUFFOLK, N.Y.
ACCREDITED LAW ENFORCEMENT AGENCY
STATEMENT FORM
PDCS-1165b

C.C. # 11-209715
Date 5/5/11 Time 1230
Page 1 of 1

I, VINCENT SPINA (being duly sworn) deposes and says:
name

(words "being duly sworn" are to be crossed out if a sworn statement is not being prepared) that I am 46 years old.
(age)

I was born on 10/24/64 I am giving this statement to MASCI0 #5533
d.ob. (name of officer)

I am giving this statement freely, having received no threats or promises to do so.

TODAY, I TOOK THE DAY OFF TO FOLLOW UP ON AN INCIDENT THAT OCCURRED WITH MY NEIGHBOR, DANIEL McDONNELL. AT 900 AM I WENT TO FIRST DISTRICT COURT TO FOLLOW UP WITH A CRIMINAL CASE. UPON COMPLETION OF THE CASE, WHICH WAS ADJOURNED UNTIL JUNE, I DROVE HOME. WHILE I WAS BACKING INTO THE DRIVEWAY OF MY RESIDENCE, THAT SAME NEIGHBOR DANIEL McDONNELL DOB 11/16/70 WAS DRIVING UP THE BLOCK, AND ACCELERATED HIS WHITE VAN TOWARDS ME AT A HIGH RATE OF SPEED. AT THE LAST MINUTE HE SWERVED TOWARDS ME, NEARLY HITTING ME. I HAVE AN ACTIVE ORDER OF PROTECTION AGAINST HIM. HIS ACTIONS TODAY DID ANNOY AND ALARM ME, AND I AM TIRED OF BEING INTIMIDATED BY HIM. I HAVE FOUR CHILDREN AND THEY ARE TERRIFIED OF WHAT HE MAY BE CAPABLE OF. I WANT HIM ARRESTED, AND I JUST WANT TO BE ABLE TO LIVE MY LIFE PEACEFULLY. I HAVE READ THIS STATEMENT CONSISTING OF 1 PAGE AND I SWEAR IT IS TRUE.

5533

False statements made herein are punishable as a class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature of person giving statement Vincent Spina Date 5/5/11
Signature of person receiving statement MASCI0 #5533 Date 130/1
Witnessing officer

Signature of person giving statement

Sworn to before me

Notary Public

ORI No: NY-051033J

Order No: _____

NYSID No: _____

CJTN No: _____

Present: Hon Chris Ann Kelley
District Court JudgePeople of the State of New York
-against-Daniel McDermott
DefendantDate of Birth: 11-16-70

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN YOUR INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND THEN CONTINUES IN EFFECT UNTIL A NEW DATE SET BY THE COURT.

☒ TEMPORARY ORDER OF PROTECTION. Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of ☐ recognizance ☐ release on bail ☐ adjournment in contemplation of dismissal],
☐ ORDER OF PROTECTION. Whereas defendant has been convicted of [specify crime or violation]:

And the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law, IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:

(Check applicable paragraphs and subparagraphs):

- [01] ☒ Stay away from [name(s) of protected person(s) or witness(es)]: Vincent Spina
and/or from the home of Vincent Spina
☐ School of Vincent Spina
☐ Business of Vincent Spina
☐ Place of employment of Vincent Spina
☐ Other _____
- [14] ☒ Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail, or other electronic or any other means with [specify protected person(s)]: Vincent Spina
- [02] ☒ Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense of interference with the victim or victims of, or designated witnesses to, the alleged offense and such members of the family or household of such victim(s) or witness(es) as shall be specifically named (specify): Vincent Spina
- [15] ☐ Refrain from intentionally injuring or killing without justification the following companion animal(s) (pet(s) [specify type(s)] and, if available, name(s)): _____
- [12] ☒ Surrender any and all handguns, pistols, revolvers, rifles, shotguns and other firearms owned or possessed, including, but not limited to, the following: All weapons and do not obtain any further guns or other firearms. Such surrender shall take place immediately, but no later than [specify date/time]: Immediately at: Manhattan SCD
- [99] ☒ Specify other conditions defendant must observe for the purposes of protection:
Do not purchase, possess or attempt to purchase or possess any and all handguns, pistols, revolvers, rifle, shotguns and other firearms.
- [99] ☒ Specify other conditions defendant must observe for the purposes of protection:
No 3rd party contact with Vincent Spina

IT IS FURTHER ORDERED that the above-named Defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00, is hereby ☒ suspended or ☐ revoked (note: final order only); and/or Defendant shall remain ineligible to receive a firearm license during the period of this order. (Check all applicable boxes). NOTE: If this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, New York 12226-2252.

IT IS FURTHER ORDERED that this order of protection shall remain in force until and including [specify date]: 1/28/12

DATED: 1/28/11

- ☐ Defendant advised in Court of issuance and contents of Order.
☐ Order personally served on Defendant in Court

JUDGE / JUSTICE
COURT (COURT SEAL) 190

(Defendant's signature)

- ☐ Order to be served by other means [specify]: _____

- ☐ Warrant issued for Defendant

- ☐ ADDITIONAL SERVICE INFORMATION: [specify]: _____

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face penalties authorized by law.

Federal law requires that this order must be honored and enforced by state and tribal courts, including courts of a state, the District of Columbia, a commonwealth, territory or possession of the United States, if the person against whom the order is sought is an intimate partner of the protected party and has been or will be afforded reasonable notice and opportunity to be heard in accordance with state law sufficient to protect that person's rights (18 U.S.C. §§2265, 2266).

It is a federal crime to:

- cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition while this Order remains in effect (Note: there is a limited exception for military or law enforcement officers but only while they are on duty); and
- buy, possess or transfer a handgun, rifle, shotgun or other firearm or ammunition after a conviction of a domestic violence-related crime involving the use or attempted use of physical force or a deadly weapon against an intimate partner or family member, even after this Order has expired. (18 U.S.C. §§922(g)(8), 922(g)(9), 2261, 2261A, 2262).

Use this form for non-family offense orders of protection, issued pursuant to CPL §530.13, that are not issued to protect victims of family offenses, intimate partners.